

## **BULLYING AND HARASSMENT POLICY**

### **INTRODUCTION**

DRH is fully committed to providing a healthy working environment where all staff are treated with dignity and respect. DRH recognises that for the delivery of high quality support to our service users, our staff need a working environment that is free from harassment and bullying in all its forms. DRH also recognises that there is a legal responsibility to protect its staff from all forms of discrimination and intimidation.

DRH will not tolerate any form of bullying or intimidation either by or to its staff.

### **POLICY AIMS**

This policy aims to:

- Ensure a working environment that is free from harassment or bullying in whatever form
- Minimise the risk of bullying and harassing behaviour
- Encourage a proactive approach to the recognition of bullying and harassment
- Identify and address incidents of bullying and harassment when they occur

### **PRINCIPLES**

- All staff are required to treat their colleagues with respect and dignity.
- Any visitor to the home is required to treat staff with dignity and respect
- Any member of staff who is shown to be responsible for bullying or harassment will be liable to disciplinary action, which may include dismissal
- Anyone who condones, supports or encourages bullying or harassment may be liable to disciplinary action
- Any visitor who is shown to be responsible for bullying and harassment of staff will be dealt with as per guidelines within DRH Visitors Policy
- Bullying and harassment is not determined by the intentions of the person who has caused offence, but by the effect it has on the recipient
- Both parties to a complaint will be treated fairly.
- Employees will be protected from victimisation for making or being involved in a complaint
- As far as possible, confidentiality will be maintained but cannot be guaranteed once the investigation process has commenced.

## **RESPONSIBILITIES**

### **DRH**

DRH will ensure that:

- All staff are made aware of their personal responsibilities and rights under this policy.
- Visitor's attention is drawn to DRH Visitors Policy as required.
- Training and information to support this policy is provided
- These policy provisions are monitored and reviewed regularly

### **MANAGERS**

All managers and supervisory staff will:

- Ensure positive and open communications with their staff and ensure that issues relating to fairness, respect, bullying and harassment are regularly discussed.
- Ensure that their own behaviour is consistent with this policy and the organisational ethos of DRH.
- Develop a working environment which is intolerant towards destructive forms of behaviour (including communication) and where mutual respect is the norm.
- Recognise evidence of destructive behaviour and high levels of negative expressed emotions and take prompt remedial action.
- Support staff who felt have they have been subject to bullying and harassment
- Assist with the investigation of complaints in a fair and balanced manner.
- Ensure that there is no retaliation against anyone making a complaint.

### **STAFF**

All DRH staff are responsible for complying with this policy and are required to:

- Treat all colleagues, other professionals and visitors to the home with dignity and respect
- Be aware of how their own behaviour is perceived by others
- Ensure that workplace humour and banter is respectful of the feelings of colleagues
- Support colleagues who feel they are being bullied or harassed.
- Report concerns about bullying and harassment to their supervisor or manager.

## **HARASSMENT IN THE WORKPLACE**

Harassment is any conduct based on age, disability, HIV status, domestic circumstances, gender, sexual orientation, gender reassignment, race, colour, language, religion, political or other opinion or belief, national or social origin, association with a minority, property, birth or other status – which is unreciprocated or unwanted and which affects the dignity of men and women at work.

## **Features of harassing behaviour:**

Harassment can take many different forms:

- Persistent incidents or a single serious incident
- Unwanted physical contact
- Verbal abuse, such as anonymous 'phone calls, inappropriate language or comments
- Offensive language or innuendo
- Telling offensive jokes
- Name-calling or spreading malicious rumours
- Written abuse – letters, faxes, emails or graffiti
- Displaying offensive pictures or photos
- Explicit behaviour, such as mimicking the effect of a disability
- Threats
- Covert or disguised behaviour, such as social isolation and non-co-operation
- Implicit threats
- Idle or malicious gossip about colleagues
- Pressure for sexual favours
- This is not an exhaustive list

## **BULLYING IN THE WORKPLACE**

Bullying is the misuse of power or position that undermines a person's ability, or leaves them feeling hurt, frightened, angry or powerless.

The most widely used definition for bullying at work is as follows:

“Persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable which undermines their self-confidence and which may cause them to suffer stress.”

## **Features of Bullying Behaviour**

- Sadistic or aggressive behaviour
- Unwarranted exclusion from meetings
- Humiliation or ridiculing
- Criticism in public that is designed to humiliate
- Persistent unwanted criticism in private
- Treating colleagues/staff as children not adults
- Undermining staff by replacing their areas of responsibility unreasonably or without justification
- Withholding information to deliberately affect a colleague's/staff performance
- Constantly changing work deadlines or work guidelines

This is not an exhaustive list. There is a whole range of subtle, insidious behaviour, which may constitute bullying. This behaviour can be directed at individuals, groups or teams. (See Appendix 1)

### **Such behaviour is unacceptable if:**

- It is unwanted, unreasonable and offensive to the recipient
- It is used as the basis for employment decisions
- It creates a hostile or ineffective working environment

### **EFFECTS OF BULLYING AND HARASSEMENT**

#### **On the individual**

Workplace bullying can lead to a severe deterioration in an individual's health and a significant damage to both family life and career. Bullying/harassment causes stress, which may result in a variety of physical and emotional symptoms such as:

- Headaches
- Nausea
- High blood pressure
- Sleeplessness
- Loss of appetite
- Anxiety
- Panic attacks
- Depression
- Irritability
- Aggression
- Abuse of or increased use of alcohol, tobacco or drugs
- Memory loss

These symptoms often lead to further more serious physical and mental health problems not only for the victim but the victim's family.

#### **On the organisation/workplace**

People who work in a hostile environment or who are fearful and resentful do not work well. Teamwork will suffer and this will affect the quality of care given to residents. Results may include an increase in the rate of short-term and long-term absences and a reduction in work commitment. There may well be an increase in critical incidents/accidents.

### **OPTIONS FOR ACTION**

Staff should never have to tolerate bullying and should take remedial action within a reasonable timescale. There is no fixed time limit within which a complaint should be made but it is preferable to speak out while memories are still fresh. This would normally be within six months.

Members of staff who believe they are being bullied or harassed may take the followings actions:

#### **Personal Action**

Staff who feel that they are being bullied or harassed should keep a note of the date and details of any incident.

In some cases talking directly with the person who is causing the bullying or harassment problem may be enough. This approach may be appropriate if the person complaining believes that the destructive behaviour is unintentional, and the perpetrator is unaware of its impact. The person complaining can take this action alone, or with help from a work colleague.

The person complaining should clearly:

- Explain how the behaviour makes them feel
- Explain how it is interfering with their work
- Ask for it to stop

The person complaining should keep a note of everything that is said.

In the case of behaviour displayed by a visitor, the guidelines contained with DRH Visitors Policy should be followed

### **Informal Action**

Informal action is designed to conciliate rather than punish. If a personal approach fails or is inappropriate, informal action by the manager may be more effective. The advantages are:

- It provides an opportunity for the organisation to be satisfied that the individual against whom the complaint is made fully understands the requirements of the policy.
- It may provide a quick and effective solution
- It may minimise disruption in the work team

This approach should not be taken if the person complaining wishes to take formal action or if the seriousness of the incident(s) makes it inappropriate

After discussing the issue with the person complaining the manager should speak to the alleged harasser/bully to attempt to resolve the issue. This informal discussion should explore:

- How the person complaining is feeling as a result of their behaviour
- The alleged harasser/bully's view of the situation
- How the behaviour may be contrary to the harassment and bullying policy
- The required standards of behaviour
- The likely consequences of continuing the behaviour
- How the situation will be monitored in the future

The manager should take a note of both discussions.

Following these discussions the manager should provide feedback to the person complaining. If appropriate the manager should offer to facilitate a joint meeting with both sides to re-establish effective working relations

## **Formal Action**

The complaint must be made in writing to the Chief Executive confirming the dates and details of the incidents and any approaches asking the alleged harasser/bully to stop.

The Procedure:

- The Chief executive will give the complaint high priority and will arrange for a speedy investigation
- The investigator ( Staff Support and Service Development Lead ) will gather facts and statements relating to the incident(s) from everyone concerned
- Everyone involved is guaranteed a fair and impartial hearing
- A work colleague or trade union representative may accompany the person complaining to any meeting held to discuss the complaint. This also applies to the alleged harasser/bully
- After an initial investigation the Chief Executive will decide:
  1. *Whether there is a case to answer.* If there is no case to answer, the matter will be disregarded. The complainant will be informed of the reasons for this decision
  2. *Whether the matter can be dealt with through mediation or conciliation.* If both sides agree to this, the alleged bully/harasser's manager will be informed confidentially
  3. *Whether there is justification for further investigation in a formal disciplinary hearing.*
- The results of the preliminary investigation should take no longer than three weeks in order to prevent unnecessary stress and anxiety to both parties
- If the matter is to be investigated in a formal disciplinary hearing, this will take place in accordance with the organisation's disciplinary procedure
- It may be necessary to suspend a member of staff to protect them or to assist with the investigation. Suspension is not disciplinary action and this should be made clear to everyone involved

Regardless of the route taken to deal with the individuals concerns, staff may seek advice and counselling.

## **RISK ASSESSMENT AND MONITRING FOR BULLYING AND HARASSEMENT**

By law DRH is required to carry out a risk assessment on all work place hazards so that action can be taken to prevent harm. This applies to both physical and psychosocial problems and is intended to highlight the steps needed to control risk and to protect staff. Ill health caused by bullying or harassment must be treated in the same way as ill health resulting from physical problems. DRH has a responsibility to take action and eliminate the risks.

Signs that might need further investigation include:

- High levels of individual or team sickness absence
- Increased staff turnover

- Erratic or poor time keeping
- Increases in complaints
- Increase in referrals for work based risk assessments
- Increase in grievances
- Poor working relationships
- Conflicts between colleagues
- Increase of mistakes being made in the working environment
- Increase in adverse incidents and accidents

All staff, on induction, will be informed of their responsibilities and rights under this policy and will be provided with specific information on this problem. Specific information will be made available within the homes for existing staff.

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To be reviewed again August 2013

## **APPENDIX 1**

### **SOME FURTHER EXAMPLES OF BULLYING BEHAVIOUR**

- Removing areas of responsibility without discussion or notice
- Blocking promotion
- Deliberately withholding information or providing incorrect information
- Isolating someone or deliberately ignoring them or excluding them from activities
- Overloading with work and reducing deadlines while ignoring justifiable concerns
- Use of e-mails/letters/notes/social networking sites to reprimand, insult or otherwise inform someone of their apparent failing
- Consistent attacking the professional or personal standing of a staff member
- Setting out to make a member of staff appear incompetent or to make their lives miserable through persistent criticism
- Monitoring work unnecessarily and intrusively
- Claiming credit for someone else's work
- Imposing unfair sanctions
- Repeatedly raising voice, shouting or swearing at a person in public or private
- Public humiliation
- Persistent/destructive criticism
- Personal insults and name-calling
- Verbal threats and intimidation
- Persistent threats about job security
- Belittling someone's opinion
- Making false accusations
- Pushing, shoving, elbowing out of the way/ blocking routes
- Talking/shouting directly into someone's face/ invading personal body space